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**NEXENTA SYSTEMS, INC.**

10 Attorneys for Plaintiff  
**REALTIME DATA LLC**

11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

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15 REALTIME DATA LLC d/b/a IXO,

16 Plaintiff,

17 v.

18 NEXENTA SYSTEMS, INC.,

19 Defendant.

20 Case No. 2:18-cv-0574-EMC

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28 **JOINT MOTION TO DISMISS WITH  
PREJUDICE**

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff Realtime Data LLC and Defendant Nexenta Systems, Inc. (collectively, “the Parties”) jointly move, stipulate, and agree, subject to the Court’s approval that:

(i) this action, including all claims and counterclaims that were or could have been brought in this action, shall be dismissed with prejudice, pursuant to the Settlement and License Agreement of April 2, 2019, whose terms shall remain confidential;

(ii) this Court shall retain continuing jurisdiction over the parties and the subject matter to enforce the Settlement and License Agreement; and

(iii) each of the Parties shall bear its own costs, expenses and attorneys' fees in this action.

1  
2 Dated: April 4, 2019

RUSS AUGUST & KABAT LLP

3 By: \_\_\_\_\_ /s/ *Paul A. Kroeger*  
4 MARC A. FENSTER  
5 PAUL A. KROEGER  
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REALTIME DATA LLC d/b/a IXO

10 NIXON PEABODY

11 Dated: April 4, 2019

12 By: \_\_\_\_\_ /s/ *Jennifer Hayes*  
13 RONALD LOPEZ  
JENNIFER HAYES

14  
15 Attorneys for Defendant  
NEXENTA SYSTEMS, INC.

16  
17 **FILER'S ATTESTATION**

18 Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Paul A. Kroeger, attest that concurrence  
19 in the filing of this document has been obtained.

20 Dated: April 4, 2019 \_\_\_\_\_ *Paul A. Kroeger*

1                   **CERTIFICATE OF SERVICE**  
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I hereby certify that on April 4, 2019 the within document was filed with the Clerk of the Court  
using CM/ECF which will send notification of such filing to the attorneys of record in this case.

5                   *Paul A. Kroeger*  
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